

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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DIRECT REPORT CORPORATION d/b/a  
SHAREHOLDER.COM,

Plaintiff,

v.

CCBN.COM, INC., THE THOMSON  
CORPORATION, ROBERT I. ADLER,  
JOHN DOES 1 THROUGH 5,  
AND JANE DOES 1 THROUGH 5,

Defendants.  
\_\_\_\_\_

Civil Action No. 04-10535-PBS

**RESPONSE OF DEFENDANT ROBERT I. ADLER TO  
PLAINTIFF SHAREHOLDER.COM'S MOTION TO COMPEL  
THE RESUMPTION OF THE DEPOSITION OF ANDREW AUGUSTINE  
AND MOTION TO COMPEL THE THOMSON CORPORATION  
TO PROVIDE RULE 30(b)(6) TESTIMONY REGARDING CERTAIN SUBJECTS**

Defendant Robert I. Adler hereby responds to Plaintiff Shareholder.Com's Motion To Compel The Resumption Of The Deposition Of Andrew Augustine ("Motion to Compel Augustine") and Motion To Compel The Thomson Corporation To Provide Rule 30(b)(6) Testimony Regarding Certain Subjects ("Motion to Compel Rule 30(b)(6) Testimony") (collectively "Motions to Compel") to note certain factual inaccuracies therein.

In the foregoing motions, Shareholder represents that Adler either has not disputed, or has admitted, the allegation that he penetrated Shareholder's internal computer system and obtained confidential information. *See* Motion to Compel Augustine at 1; Motion to Compel Rule 30(b)(6) Testimony at 3. Neither of the above statements, however, is accurate. At his deposition, Adler asserted his Fifth Amendment rights when asked any questions regarding whether he had intruded into Shareholder's computer systems. It is misleading and incorrect,

therefore, for Shareholder to represent that the alleged intrusions are not disputed, or admitted to,  
by Adler.

ROBERT I. ADLER

By his attorneys,

/s/ Paula M. McManus

Peter E. Gelhaar (BBO #188310)

Michael S. D'Orsi (BBO #566960)

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Dated: January 11, 2006